Paul Smith's College
THE COLLEGE OF THE ADIRONDACKS

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June 2, 2008

Ms. Jane Eldred
School Participation Team, NE
U.S. Department of Education
Financial Square
32 Old Slip, 25th Floor
New York, NY 1005-3534

Re: Program Review Report
OPE ID: 00279500
PRCN: 200730226285

Dear Ms. Eldred:

Enclosed with this letter is Paul Smith's College's institutional response to the Program Review Report cited above.

Our response is submitted in good faith and with a sincere effort to provide accurate and thorough information. It is understood that the Review Team will respond appropriately with an evaluation of this effort, and, while we hope our response will be deemed satisfactory, we understand that additional guidance on compliance actions may be forthcoming.

As noted throughout, work will continue over Summer 2008 to implement the training, to accurately prepare the 2007 Campus Security Report, and to standardize our compliance practices throughout the institution.

We appreciate the considerations that you and Jim Moore extended to me and many of our staff during the course of this Review. I look forward to your further communications.

Sincerely,

John W. Mills

John W. Mills, Ph.D.
President

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A. Institutional Information
Agree

B. The College
Agree With Additional Comment

In addition to Bachelor and Associate's degree programs, the College also offers certificate programs.

In some communications, the College has referred to its 14,200 acres of land holdings as its "campus." In the aftermath of the tragedies of February 2005, and continuing through this Program Review, we have become increasingly aware that this descriptor is subject to different interpretations. Specifically, we have concurrently used the term "campus" to describe the 153-acre site on the shore of Lower St. Regis Lake where our College offices, academic and residential buildings are located. For purposes of clarity in this response, the term "campus" will be used to indicate the 153-acre parcel identified on the accompanying map (Attachment 1). Our response to Finding #3 (below) addresses this matter in further detail, and proposes definitions that provide the ability for the College to accurately comply with the reporting requirements of the Clery Act.

C. Background
Agree With Additional Comment

In addition to the information provided in the Program Review Report regarding the February 2005 deaths of a student and a visitor to the College, the closing entry by the New York State Police (NYSP) Bureau of Criminal Investigation states:

> "State Police Ray Brook controlling cases [sic] 05-067, previously adopted for Criminally Negligent Homicide for the death of RAU, is submitted Closed Unfounded.
>
> State Police Ray Brook cases 05-068, previously adopted for Criminally Negligent Homicide for the death of GUEST is submitted closed by exceptional clearance as RAU was identified as the perpetrator, however, no prosecution is possible."

D. Scope of Review
Agree With Additional Comment

Regarding the relevance of interviews with the NYSP and New York State Department of Environmental Conservation (NYSDEC), both of those public regulatory agencies actively patrol both the College's campus and other College-owned property, and have full regulatory authority over all of the College's property.

In early Summer 2007, the College's President, Dr. John W. Mills, initiated discussions with NYSDEC, with the hope of securing additional law enforcement support for

particular high exposure areas of College-owned easement property, such as The Tongue and Peter's Rock. NYSDEC Region 5 Director Elizabeth Lowe met with the College's Executive Cabinet on June 27, 2007, and on August 21, 2007 reported back to the College on strategies that had been developed in consultation with the Region 5 staff. The entirety of the response is provided.(Attachment 2) The responsibility for following through on the recommended Management Alternative #6 – Collaborative Mutual Aid Strategy with the NYSDEC has been delegated to the Director of Campus Safety. Given the enforcement resources that the NYSDEC and NYSP have allocated to this Region, it is unlikely that the College will be able to anticipate heightened levels of law enforcement support.

E. Findings

(Citations from the Program Review Report are included for clarity, and are shown in italics.)

#1 – Lack of Administrative Capability

Noncompliance:

"The findings detailed in this program review report show multiple indications that PSC lacked an adequate system of internal controls and administrative capability regarding compliance with the Clery Act during the review period...."

Agree

Paul Smith's College recognizes that the limitations of its staff during the years 2004, 2005 and 2006 impacted the administrative capability to appropriately report and meet the public notice requirements of the Clery Act.

> 1) and 2) During the time under review, the Director of Campus Life and the Director of Campus Safety were expected to collaborate in preparing and submitting the reports for the College. That both offices had changes in personnel during this period weakened the College's ability to properly prepare and report. While these individuals were appointed after a deliberate review of their experience in the student services field, it is clear that they did not exhibit sufficient knowledge, nor were they provided with the appropriate training required to adequately meet the reporting requirements for Clery Act compliance. Sin retrospect, we infer that staffing urgencies overrode the obligation to consistently meet the standards of record keeping and reporting prescribed by the Clery Act.
>
> 3) While the College did provide its Campus Safety officers with training required for New York State certification as security guards, and its Campus Life staff with training appropriate to provide supervision of residence halls and College activities, it did not mandate training or fund training for these individuals on proper Clery Act reporting practices. During part of the period under review, the Director of Campus Life also supervised the Department of Campus Safety. While this lack of training and reporting compliance can be attributed to a particular office, it in no way excuses the College's failure to comply correctly.

This relationship between Campus Safety and Campus Life/Student Affairs has changed, with each office reporting independently to the Provost. It is evident that much of the training, recordkeeping and reporting protocols were compromised in the many personnel and supervisory transitions in the two departments.

4) It is reasonable to conclude that instability in staffing, administrative reorganizations and the lack of training are major factors in the improper standardization, custody and control practices used to maintain documents essential to reporting correctly.

The College employed a new Director of Campus Safety, Craig Collette, in April 2008 after an extensive search. To address the organizational weakness of expecting that two offices share responsibility for program compliance, the College's compliance with the Clery Act has been delegated solely to the Director of Campus Safety, who reports directly to the Provost. Director Collette has joined with peers at regional colleges to share information, experiences and resources for mutual support. Both Director Collette and Chief Student Affairs Officer (CSAO) Michael Harrington attended the "Jeanne Clery Act Training Seminar", presented by Security on Campus, Inc., in Philadelphia in late May 2008. (Attachment 3)

The College has purchased the Security on Campus, Inc.-endorsed reporting software, "Data Exec," which is being used to codify 2008 and future data. This program, which is accessible by both the Departments of Campus Safety and Student Affairs, standardizes and validates critical information, and generates reports in a consistent and Clery-compliant format. The College has developed a policy and set of procedures to clearly address how data will be reported and collected. (Attachment 4)

The current Campus Safety practice of preparing a Morning Report each day for distribution electronically to the President, Provost, Chief Student Affairs Officer, Residence Life Coordinator and Director of Human Resources/Risk Manager will continue. This has proven to be an effective "early alert."

The NYSP has agreed to provide training for all Campus Safety Officers in early Summer 2008 on proactive interventions and emergency response protocols, accurate use of terminology, appropriate referral and reporting standards, and incident follow-up.

(It is worth noting that the College made application to NYS in June 2007 to elevate the certification of its campus safety officers to Peace Officer status. The request was supported by the Malone Village Police Department, the Franklin County Sheriff, and the Franklin County District Attorney. Peace Officers have faster and more direct access to law enforcement information and shared radio frequencies, among many other advantages. The bill was passed the NYS Assembly and Senate (S6204), and vetoed by Governor Spitzer on July 18, 2007, along with 16 similar bills. (Attachment 5))

Enhanced training will be implemented for those professional and student staff members who are charged with enforcing policies in our residence halls. These employees will undergo an intensive August training, as is typical for Residence Life programs, during

which time they will be provided with specific instruction of acceptable incident management, report-writing techniques, and terminology. (Attachment 6)

The College is committed to taking all necessary corrective actions to assure that students and employees are provided with important security information. It will address administrative capability and internal controls to assure compliance with Federal regulations.

#2 – Failure to Properly Disclose Crime Statistics

Noncompliance:
"The College failed to report all required incidents in its Campus Security Reports for the years 2004 and 2005. . . ."

The tables provided in the Program Review Report have been updated to include the findings of the internal Self Study required as part of our institutional response. These statistics in some instances differ from those determined by the Review Team. A case-by-case comparison in all categories has not been possible, as the source cases for the Review Team's statistics were not identified for certain reportable crimes (Manslaughter, Forcible Sex Offenses, and Arson).

Crime Classification	College Reported 2004	Department of Education Determination 2004	College Audit of 2004	College Reported 2005	Department of Education Determination 2005	College Audit of 2005
Manslaughter	*0*	*0*	0	*0*	*1*	1
Forcible Sex Offenses	*0*	*1*	0	*0*	*2*	1
Aggravated Assault	*0*	*0*	1	*1*	*4*	3
Burglary	*1*	*8*	10	*2*	*15*	10
Arson	*0*	*3*	1	*0*	*1*	0
Totals	*1*	*12*	12	*3*	*23*	15

Disciplinary Referrals	College Reported 2004	Department of Education Determination 2004	College Audit of 2004	College Reported 2005	Department of Education Determination 2005	College Audit of 2005
Weapons Possession	*0*	*5*	2	*0*	*6*	3
Drug Law Violations	*3*	*7*	9	*4*	*19*	17
Liquor Law Violations	*47*	*71*	204	*72*	*51**	138

*See ED footnote in Program Review Report
It is our understanding that only the death of Kristine Guest on February 6, 2005 should be classified as Negligent Manslaughter, according to the guidelines set forth in The Handbook for Campus Crime Reporting, p. 26. There is confusion on our part regarding the Team's classification of the appropriate category as "involuntary manslaughter" (DoE Finding #3), and simply "Manslaughter", above.

"1) The College lacks a sufficient system to adequately compile and maintain records so that they are accessible and useable for Clery reporting purposes. . . ."

Agree

The practice of maintaining a single alphabetic set of active student files in the Office of Student Affairs made it extraordinarily difficult to sort for period-specific records. We acknowledge that this practice, while useful in tracking an individual student's disciplinary and judicial history, was cumbersome and ineffective in accessing the information that was requested for the Program Review Team's audit.

During the past year, the Office of Student Affairs has worked steadily to improve its methods of handling and maintaining student judicial records. The Office currently organizes alphabetically by student name, with a summary document attached to each file. An Excel cross-reference file is maintained that includes the Campus Safety record number. For Fall 2008, all Student Affairs files will be marked with a date tab indicating each year in which an incident involving the student occurred. This practice was recommended by peer colleges as an effective information management method.

All Campus Safety and Student Life incidents will be entered into "Data Exec" with a single consecutive numbering system, with the format YYYYNNNNN. Paper files maintained in the Campus Safety office will be filed in numerical (case) order with the searchable database.

"2) Campus Security is not always notified when serious crimes are committed. PSC failed to follow its own procedures. The review team questioned College officials about a forcible sex offense that occurred in 2006 at a hotel dorm that was owned by the College. . . ."

Disagree with Additional Comment

It is not stated which College officials were interviewed by the Program Review Team in regard to this incident, but at least one person who was directly involved was not interviewed. It is likely that the Team's findings were based substantially upon the "Investigative Work Product re: Case #15066" prepared by Director of Campus Safety Peter LaMere, and an interview with Director of Campus Safety Robert Pickreign. The documentation on the case by Elizabeth Stearns Sims, Director of Retention and First Year Programs (DR&FYP), and Michael Harrington, CSAO, provides additional information which in many ways clarifies their handling of the incident, and should have been factored into the Program Review Team's assessment of the matter. Their

recollections and reports of how the incident was handled are further corroborated by the written statements of student staff.

The incident occurred late Saturday night, March 25, 2006. Despite numerous efforts by various individuals, it was at least forty-eight (48) hours from the time that a member of the student staff was informed that something was wrong before the student revealed that the incident was sexual in nature. The involvement and identity of another person was similarly unknown. When the student finally explained what had caused her distress, Campus Safety was informed and the student was taken to the hospital, where she was seen in the Adirondack Medical Center's Emergency Room by the Sexual Assault Nurse Examiner (SANE) staff. The hospital records indicate that the student refused to authorize contact of the Saranac Lake Village Police Department (within whose jurisdiction the alleged assault took place). There was no physiological evidence of a forcible assault.

Given the circumstances of the incident, and the information that was available, we find no evidence that the College failed to follow its own policy of investigating complaints. (Attachment 7) Since the student did not reveal for at least 48 hours that her complaint was of sexual assault, we believe that the language of the Finding does not reflect the true nature of the incident. We believe that the incident was far more complicated than is reflected in the Finding, and that the responding professional and student staff acted responsibly, <u>considering the information they had at the time</u>.

The Team's basis for asserting that College officials were unaware that the incident was reportable, as noted in this Finding, is unclear. As above, we find no evidence that the victim was doubted or determined not to be credible; rather, the responding professionals (DR&FYP and CSAO) found it extremely difficult to move forward on the case given the lack of physical evidence and the unwillingness of the victim to discuss the incident. This was later supported by the finding of the Judicial Board, which ruled that there was insufficient evidence to support the victim's claims.

Regardless, it appears that the College appropriately reported the incident in its Campus Crime Report statistics.

"3) Even when proper College officials are notified and reports are generated, incidents are often misclassified resulting in improperly calculated crime statistics. To illustrate this point . . ."

Agree with Additional Comment

The College has arranged for additional training by the NYSP for all Campus Safety and Student Affairs staff on appropriate use of terminology, as noted earlier. Equally important is the training that staff is receiving and will continue to receive on Clery terminology as it differs from Uniform Crime Reporting. Data submitted as required in F (below) reflects corrections of the misapplied terminology, such as the burglary/theft/larceny/stolen property errors noted. Additionally, the Director of Campus Safety has prepared a set of Standard Operating Procedures for officers' use in incident management, report writing and documentation. (Attachment 8)

"4) Campus Safety and Student Affairs/Residence Life Incident Reports are poorly written and/or lack sufficient detail to determine if a Clery reportable crime occurred. . ."

Agree with Additional Comment

Training and standardization of reporting formats through the Data Exec system will effectively address this area of concern. Training of all Campus Safety, Student Affairs (professional and student staff) personnel involved in report writing will take place in Summer 2008. The Directors of each of those departments participated in Clery Act compliance training in May; the NYSP will conduct training of all professional staff in June-July, and student staff will be trained in August 2008, prior to the start of Fall Semester 2008. (Attachment 6)

"5) Campus Safety and Student Affairs/Residence Life staff are not sufficiently trained on the Clery Act requirements. . . ."

Agree with Additional Comment

As stated above, additional training for all parties responsible for creating documentation of Clery-reportable crimes is a going-forward commitment of the College. Through on-going accountability of all reporting personnel, the College is committed to report responsibly and accurately.

The College response includes a comprehensive system of policies and procedures to ensure that it appropriately reports all occurrences of the following incidents: homicide, manslaughter, forcible and non-forcible sex offenses, robber, aggravated assault, burglary, motor vehicle theft, and arson. Additionally, the College's policies assure compliant disclosure of disciplinary actions related to violations of Federal or State drug, liquor and weapons laws. The use of a common database will greatly facilitate this work.

#3 – Failure to Define the Campus and Report Separately for Non-Contiguous Locations in Accordance with Federal Regulations

Noncompliance:

"The College has not defined its campus in accordance with the definition contained in Federal Regulations. The College also did not comply with crime statistics reporting requirements for each separate campus or facility location. Specifically, PSC published a single set of statistics covering only the improperly defined main campus location."

Agree with Additional Comments

A. Improper Definition of Campus.

The recreational easements provide for full public access to lands owned by the College. These easements were purchased from the College by the NYSDEC. The sales of the easements were finalized in 1998.

As noted earlier, the College acknowledges that its descriptions of what constitutes its campus have been inconsistent and unclear. However, we are not alone among colleges to engage in hyperbole to describe ourselves in promotional materials and institutions commonly use pictures taken at off-campus locations to provide prospective students, families, visitors, and other with information about the region's character and natural environment.

College publications are now undergoing a thorough review to assure that College properties, whether the academic and residential center on Lower St. Regis Lake, or total land holdings, are correctly defined. In all newly printed publications, we do not refer to a 14,200 acre "campus." When describing the College's property, we may refer to the College's 14,200 acres, that the College is set amidst thousands of acres of forests, streams and lakes, or simply that the College owns more than 14,000 acres. Occasionally, materials will reference the College's "lakefront campus" (or even its "expansive lakefront campus"), but such statements are both accurate and consistent with the practices of other colleges located in close proximity to a lake or other notable natural amenities.

The College proposes that Peter's Rock, where the deaths occurred, be classified as Campus II (below), as the NYSDEC is the controlling authority.

B. Failure to Report Crimes for Non-contiguous Locations

Agree

The College's ownership of the Hotel Saranac ended on February 2, 2007. We retain ownership of the Saranac Lake Residence Hall. Students are not permitted at the Alumni Campground; its use is restricted to alumni and prospective student groups, and is in no direct manner related to any institutional educational purpose.

The College has developed a set of definitions of its land holdings, which it proposes to use in preparing the 2008 Campus Security Report. A map and an aerial photo view of the built-up portion of our campus which we define as "Campus Area" are included as Appendix 1, to illustrate.

Campus I: On the Lands Map, the main part of Campus I is the area defined as "PSC Campus (153 acres)" and shown in entirety on the aerial photo Campus Area map. In addition to that area, the Sugarbush and the Saranac Lake Residence Hall on Church Street in Saranac Lake (not shown) are defined as Campus I.

Campus II: On the Lands Map, Campus II is defined as all remaining College-owned/controlled lands in the Brighton, Harrietstown and Santa Clara townships. By subcategory this includes:

> PSC Easement properties (7,760 acres). These lands are owned by the College, and subject to a recreational easement granted to the NYSDEC. The easement

provides for full public access for recreational purposes while the College retains timber rights under a 25-year forest management plan.

Visitor Information Center (VIC) – NYSDEC Adirondack Park Agency (APA) Lease (2,734 acres). The College has given a 100-year lease (1987-2087) to the APA for use as a Visitor Interpretive Center for educational and recreational purposes. This property is open to the public in its entirety.

PSC Non-Easement Properties (1,634 acres). These land holdings are owned by the College. They are identified in our Forest Management Plan for timber harvest.

Non-campus property: On the Lands Map, this property is identified as "Currier" (366 acres) in the town of St Armand and "Onchiota" (622 acres) in the town of Franklin. The College leases approximately one-half of the Onchiota property to a private corporation.

Public Property: We propose to define as "public property" all property within a mile radius of the "Campus Area" as defined in Campus I (above). As we are surrounded by state-controlled land that reaches far into the "Forest Preserve" that makes up a major part of the Adirondack Park, the key issue for us is accessibility. By means of the NYSDEC public boat launch on Campus I, the public is allowed "access" to the entire St. Regis Waterway. Someone could access the waterway from our land and travel all the way to the St. Lawrence River (close to 100 miles away) and the Great Lakes, or follow the Northern Forest Canoe Trail all the way to Fort Kent, Maine, more than 450 miles. Although both examples fit the Clery Act definition of "contiguous" and both are open to the public, they are far beyond what we feel the Clery Act would reasonably expect as a reporting domain. We believe that this is consistent with the guidelines set forth in The Handbook for Campus Crime Reporting.

For reporting purposes for the non-contiguous Campus I properties (Sugarbush and Saranac Lake Residence Hall), Campus II, Non-campus and public property, the College cooperates with local law enforcement organizations, especially the NYSP and the NYSDEC Enforcement Division. Both of these agencies patrol and respond to calls on the adjoining NYS-owned component of the public property, the Non-Campus property and our easement and non-easement property. As noted earlier, the College has an agreement with the NYSDEC to work on ways improve the oversight patrols and restrict usage on Campus II holdings.

The internal control system will require that for each reporting year, the College's non-contiguous properties (such as the Currier parcel in the Town of St. Armand mentioned above) will be listed separately with a notation from the State Police, Saranac Lake Village Police and the NYSDEC regarding crime statistics.

#4 – Failure to Have an Adequate System for Collecting All Crimes Reported from All Required Sources

Noncompliance:

"PSC did not gather statistics for incidents of reportable crimes from certain institutional sources in a manner sufficient to produce an accurate and complete Campus Safety Report in accordance with the Act…"

Agree with Additional Comments

It is clear that during the time period under review the Office of Campus Safety and the Office of Student Affairs did not properly report all incidents, and failed to adequately share information between offices. We believe that many of the discrepancies shown in the reported numbers during this time were caused by reoccurring issues:

- The numbers submitted reflect the individual incidents reported and not the total number of persons involved. (Example: In a case involving five underage students found to be in possession of alcohol in a residence hall room, one (1) alcohol violation was reported. If done correctly, five (5) incidents of liquor law violations would have been reported.)
- The College did not collect data from areas immediately surrounding the campus. Under the Clery Act, colleges are responsible for reporting incidents that occur within the immediate vicinity of the college to provide constituents with an accurate representation of the environment that influences the college. By not reporting these numbers, it is possible that the College misrepresented its local environment to the campus community and the public.
- By reporting on an academic year rather than the mandated calendar year schedule, the College's statistics were not readily comparable to those of other institutions, and the public information purpose of the Act was compromised.
- Reports from the Office of Campus Life area were not provided to the Office of Campus Safety or the timeliness of that reporting precluded adequate investigation. However surprising it is that this needed communication did not occur as the supervisory responsibility for these two areas resided in the same individual (for a large percentage of the time period under review), it is totally unacceptable.
- The discrepancies between the produced by these two offices demonstrate that different methodology was used to identify and classify incidents. The Office of Campus Safety followed UCR (Uniform Crime Reporting) criteria, while Campus Life followed the definitions the Community Guide. We have discovered that a Clery certified reporting program was used prior to 2003-4, but it was allowed to expire during this time, further impacting the misrepresentation, duplication, and inability to track cases. The lack of digital tracking also imposed significant limitations.

As noted above, the College has purchased Clery Act-compliant software designed to streamline and structure reporting process so that information is accurate and consistent with the requirements of the Act. In addition, the Offices of Residence Life and Campus Safety will work closely to design a training module for our professional and student staff with information required to effectively report and classify incidents, based on the training both directors are receiving (May 28 and 29, 2008). With full cooperation between the Campus Safety and Student Affairs areas, we believe that the systems to provide for reliable and accurate reporting are in place. Clear accountability for effective

inter-departmental communication and for full compliance with policies and procedures will insure timely and appropriate sharing of information and will greatly reduce the opportunity for personal interpretation of the requirement to influence reporting.

We believe that the judicial process will be strengthened by virtue of improved training and the consistency gained from the use of Data Exec.

The policies and procedures for the gathering and compiling of information to ensure accurate reporting are part of the comprehensive plan.(Attachment 9)

#5 – Failure to Distribute the Campus Security Report in Accordance with Federal Regulations.

Non-compliance:
"PSC did not distribute its Campus Security Report to all current students and employees and did not adequately inform all prospective students and employees of the Report's availability. . . ."

Agree

The College has released an RFP (Request for Proposals) for a thorough redesign of its recruitment publications, targeted for completion within the next eighteen (18) months. In the interim, information on accessing the Campus Security Report is included in mailings to all prospective students. (Attachment 10) Copies of promotional materials currently in use, and historically from 2004, are included. The College acknowledges that campus crime notifications are absent from this promotional information.

Clery Act notification is scheduled for inclusion in the 2008 Orientation Guide, for sessions with incoming students and their parents starting in July 2008. (This document is not yet completed. A PDF file will be sent separately as soon as it is available.) The College's website pages for Human Resources and Admissions are undergoing a complete overhaul, with all revisions scheduled for completion during June-July 2008.

The Office of Human Resources immediately corrected its failure to notify prospective employees with postings on its on-line website and bulletin board. (Attachment 10) The Clery Act notification is printed on acknowledgement letters sent to all applicants for advertised positions. Current employees are informed of the College's Clery Act commitments on its website, and in the Employee Handbook. Additionally, all appointment letters issued (annually in July) will contain an insert notifying employees of the location of the Campus Safety Report and the Daily Log on the College's website.

#6 – Failure to Maintain a Daily Crime Log
"PSC failed to maintain an accurate and complete crime log in accordance with Federal regulations for the years under review."

Agree

The College is committed to fully complying with the Daily Crime Log reporting as required for Clery Act compliance. The Log will be produced as a regular feature of the Data-Exec software administered by the Director of Campus Safety.

As required, a copy of the 2007 and partial 2008 Crime Logs are submitted with this response. (Attachment 11)

#7 – Required Policy Statements Omitted from Campus Security Reports

Noncompliance:
"PSC failed to include certain required policy statements in its Campus Security Reports. None of the campus security reports that were examined included an explanation of how the institution prepares its annual disclosures. Additionally, the 2005 and 2006 reports did not include the required disclosures regarding 1) Procedures of voluntary, confidential reporting by counselors or 2) the existence of any access to the daily crime log..."

Agree

After examination of the most recent Campus Security Report, it is apparent that required statements were not included in the Report. While the majority of those policy statements are included in the Community Guide, the College did not meet its responsibility to publish them as required.

The College provides for voluntary, confidential reporting by counselors, but the process was not described in the most recent Campus Security Report, and as of the time under review there was no policy or procedure supporting this understanding. A policy has been developed and approved to cover such reporting.

As noted above (Finding #6), the Department of Campus Safety did not maintain a daily crime log during the entirety of the review period and therefore no such log was available to the public.

Inconsistent policy use has proven to be a limitation of the College, and because of this, expectations of departments and individuals have not always been clear. This lack of policy structure has also attributed to the some of the uncertainties our professional and student staff experience in dealing with incidents on campus. The College has developed a clear policy setting forth the enforcement responsibilities of the Departments of Campus Safety and Student Affairs, both accountable to the Provost.

The College is fully committed to continuously maintain the policies, procedures and records that are necessary for compliance and accountability. (Attachment 12)

Additionally, the College's A.L.E.R.T. notification system is fully implemented to warn the community of potential hazards, and application has been made for the erection of a multi-hazard warning system that will provide audible warnings to the Campus in times of urgent danger. (Attachment

#8 – Hate Crime Statistics Not Included in Campus Security Reports

Noncompliance:

"PSC did not include statistics identifying the number of incidents of crime reported that manifested evidence of bias toward the victim by the perpetrator. Prior to the 2007 report, a single line of hate crimes was included but was not broken out by bias category. The 2007 report does not contain any statistics for hate crimes."

Agree

During the period under question, bias-related incidents were sometimes reported in the College's Clery Report without specificity as to the type of bias; in other reports, no number (or zero) was recorded to indicate accurate information (as opposed to omission). Our self-study has indicated that additional cases existed.

The College has reviewed and clarified the standard for determining an incident of bias. Additionally, increased training will be provided to Residence Life and Campus Safety staffs to be able to identify bias incidents and how to accurately report them. The following information was generated through the Self-Study.

Hate Crime Breakdown by Bias	2004	2005	2006	2007	2008**
Race	0	1	1	2	0
Gender	0	0	0	0	0
Religion	0	0	0	0	0
Sexual orientation	0	0	2	1	0
Ethnicity/national origin	0	0	0	0	0
Disability	0	0	0	0	0
TOTAL	**0**	**1**	**3**	**3**	**0**

**2008 is a partial year

#9 – Crime Statistics Not Reported on a Calendar Year Basis

Noncompliance:
"Paul Smith's College did not compute and publish its crime statistics on a calendar year basis during the review period. . . ."

Agree with Additional Comments

It appears that from year-to-year, prior-year practices were followed without reference to the 2005 Handbook for Campus Crime Reporting. The calculation of crime statistics continued to be reported on an academic year basis, as there is no evidence that forms were changed to reflect the mandated change in the reporting period.

As noted, the reporting was done correctly for the reporting year 2006.

The Director of Campus Safety is responsible for compiling and filing the report.

Staff training was needed to address this Finding, and the Director attended a Security on Campus-sponsored training in late May 2008 in Philadelphia. He and the Chief Student Affairs Officer will conduct training of their respective staffs upon their return. The College has made significant budgetary commitments to the Campus Safety area to address this and other matters relating to Clery Act compliance, such as the travel and training expenses for the Director, and the purchase of the Data Exec software.

F. Required Corrective Actions

The College has conducted an institutional self-study of its Clery Act compliance during the calendar years 2004, 2005, 2006, 2007, and year-to-date for 2008. This self-study has been coordinated by Susan Y. Sweeney, the Director of Human Resources, who will act as the point of contact for the Review Team. The data collection, analysis and self-study have been performed by an alumna of the College, Tracy Santagate, whose personal credentials and networks with the regulatory agencies are supported by those of her spouse, Town of Brighton Justice Nick Santagate, within whose jurisdiction the College lies.

This Self-Study, included separately, is an objective assessment of the College's policies and procedures regarding the identification and coding of reportable incidents, the collection and compilation of statistics, the preparation, publication and distribution of the Campus Security Report, and data collection and analysis practices.

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